

## **Remarks**

Claim 1 is amended to eliminate from the claim the element "causing network jitter, which network again internally adds network timestamps to data packets of said bitstream in order to reduce by evaluating these network timestamps said network jitter when outputting said data packets from said network" that the Examiner rejected under 112, the first paragraph. In addition, the language of the claim that refers to an "MPEG bitstream" is amended to recite just "bitstream". The MPEG aspect of the bitstream is incorporated in new dependent claim 14.

New Claim 13 that refers to the network as being bi-directional is found on page 6, lines 18-25, Fig. 1, and in other places.

New Claim 14 claiming that the bitstream is an MPEG bitstream, is derived from originally filed Claim 1 that is currently amended.

The Abstract is amended in view of the objection made by the Examiner.

No new matter was added in view of these amendments.

## **Arguments**

### **I. 35 U.S.C. 112 Rejection of Claims 1-3 and 7-9**

The Examiner rejected Claims 1-3 and 7-9 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The phrase that the Examiner objected to, "...which network again internally adds network timestamps to data packets of said bitstream," has been eliminated from Claim 1. Claim 1 and dependent Claims 2-3 and 7-9 over the Examiner's objection. Applicants request that the Examiner remove this rejection from the claims.

### **II. 35 U.S.C. 102 Rejection of Claims 4 and 5**

The Examiner rejected Claims 4 and 5 under 35 U.S.C. 102(e) as being anticipated by Blatter et al. (U.S. Patent # 6,236,694, hereafter referred to as 'Blatter'). Applicants disagree with this ground of rejection.

Claim 4 claims that the network "internally adds network timestamps to data packets of said bitstream" whereby the claimed "stream recording means which records timestamps from said network together with said MPEG bitstream data packets". These recorded network timestamps may later be used "to assign

to the replayed MPEG bitstream data packets the correct temporal position as it was upon recording". These claimed features are disclosed or suggested in Blatter.

In Blatter, MPEG2 (or Grand Alliance time stamps), which are part of the MPEG2 (or Grand Alliance) data transport packets, are used to remove inside the bus 500 (of Blatter) jitter that has occurred on that bus (Blatter, col. 3, lines 41-59). In the present invention, additional bus timestamps are generated and used. Specifically, the claimed stream recorder takes the network timestamps from the network and adds such timestamps (as a PTS) to the (stream PES) data packets to be recoded, even though it is possible that data packets have already other timestamps (MPEG-ATS) include, which are not the same thing as "network timestamps".

The MPEG timestamps, from Blatter, are evaluated in an MPEG decoder, which is an operation related to MPEG decoder. In contrast, the timestamps used by the claimed stream recorder merely make sure that the original temporal distances between the received data packets (i.e., the data packet arrival times) are identical to the temporal distances between the replayed data packets when output by the stream recorder, see Fig. 2b and Fig. 2e.

Moreover, in Blatter, the MPEG2 time stamps are part of the transport packets (Blatter, col. 3, lines 39-42). Recovering and evaluating such MPEG timestamps requires a different process (Blatter, col. 4, lines 20-30) than performed by the claimed stream recorder of Claim 4. Specifically, the timestamps used in Claim 4 are not part of the bitstream data packets, and the bitstream data packets need not be captured nor decoded in the streamer recorder, unlike what is needed to be performed in Blatter.

Additionally, Blatter discloses that time stamps are used to control a clock (Blatter, col. 3, lines 39-42) where the clock can be used to remove bus jitter (Blatter, col. 3, line 60 to col. 4, lines 5). In contrast, Claim 4 claims that the recorder timestamps are used "when replaying data of said MPEG bitstream data packets said recorded network timestamps are used to assign to the replayed MPEG bitstream data packets the correct temporal position as it was upon recording".

For the reasons given above, Applicants assert that Claim 4 is patentable. Applicants also assert that Claim 5 is patentable as the claim depends on Claim 4.

### **III. 35 U.S.C. 103 Rejection of Claim 6**

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter in view of Hulyalter (U.S. Patent #6,032,261). Applicants disagree with this ground of rejection. Specifically, Claim 6 is patentable as the claim depends on allowable Claim 4, for the reasons given above. Applicants request the removal of this rejection.

#### **IV. 35 U.S.C. 103 Rejection of Claims 10 and 11**

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter in view of Cloutier et al. (U.S. Patent #5,806,602). Applicants disagree with this ground of rejection. Specifically, Claims 10 and 11 are patentable as the claims depend on allowable Claim 4, for the reasons given above. Applicants request the removal of this rejection.

#### **V. 35 U.S.C. 103 Rejection of Claim 12**

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blatter in view of Hulyalter and in further view of Cloutier et al. Applicants disagree with this ground of rejection. Specifically, Claim 12 is patentable as the claim depends on allowable Claim 4, for the reasons given above. Applicants request the removal of this rejection.

For the forgoing reasons listed above, Applicants assert that Claims 1-14 are patentable.

Applicants request a one-month extension (under 37 C.F.R. 1.136(a) and 37 C.F.R. 1.17(a) (1)) as to submit this amendment and response. Please charge Deposit Account 07-0832 \$120.00 for this extension and any other fees owed in connection with this response.

If any other issues are to be raised concerning the patentability of the status of this application, the Examiner is encouraged to call the Applicants' attorney at 609-734-6809.

Respectfully submitted,

  
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Patent Operations

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June 23, 2005